

REMARKS

I. INTRODUCTORY REMARKS

The Applicants thank the Examiner for allowing claims 11-14. The Applicants would also like to further reiterate that the Examiner has withdrawn the “at least upper” limitation discussed in the July 1, 2009 Phone Interview.

II. CLAIM REJECTIONS UNDER 35 U.S.C. § 103(A)

(I) On page 2, the Office Action rejects claims 1 and 9 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,193,734 to Williams. The rejection is respectfully traversed.

Claim 1 recites “[a] welded profile for fitting a digger with a backhoe bucket or a loading shovel, said welded profile comprising: an upper flange and a lower flange; sidewalls operatively connected to the upper flange and lower flange; and upper corner regions and lower corner regions, having reinforced profiles, between the upper flange and the sidewalls and between the lower flange and the sidewalls, respectively; wherein the corner regions are formed with separate sheet metal sheets that are welded to the respective sidewalls, wherein the sidewalls have a thinner cross section than the corner regions, and wherein the corner regions include positioning locations for cylinder attachment points.”

Williams, meanwhile, purportedly discloses “an elongated box-like structure made up of a pair of channels 50 each of which has a generally triangular web or sidewall 52, a bottom flange 54 extending substantially the full length of the channel and a top flange 56 which extends for approximately one half the length of the channel at the outer end of the boom 14. The channels 50 have their abutting edges of the bottom and top flanges 54 and 56 welded together to form a generally box-like structure as best seen in FIG 3.” *Col. 2: Line 67 to Col. 3: Line 8*. The Office Action aligns

the “sidewall 52,” “bottom flange 54” and “top flange 56” of Williams with the sidewalls, lower flange and upper flange as recited in claim 1. The Office Action further aligns the “tubular boss 74” of Williams with the “positioning locations for cylinder attachment points,” recited in claim 1.

Williams, however, does not disclose “upper corner regions and lower corner regions, having reinforced profiles, between the upper flange and the sidewalls and between the lower flange and the sidewalls, respectively; wherein the corner regions are formed with separate sheet metal sheets that are welded to the respective sidewalls, wherein the sidewalls have a thinner cross section than the corner regions, and wherein the corner regions include positioning locations for cylinder attachment points,” as recited in claim 1.

Rather, Williams discloses that “channels 50 have their abutting edges of the bottom and top flanges 54 and 56 welded together to form a generally box-like structure as best seen in FIG 3.” *Col. 3: Lines 5-8*. Simply put, sidewalls 52 and the top and bottom flanges 56, 54 of Williams are welded together to form a box-like structure. The four corners of the box-like structure in Williams, however, do not each have a ***reinforced profile***. Nor are the four corners of the box-like structure in Williams “formed with ***separate sheet metal sheets*** that are ***welded to the respective sidewalls***, wherein the sidewalls have a ***thinner cross section*** than the corner regions.” In addition, the four corners of the box-like structure in Williams do not include “***positioning locations for cylinder attachment points***.” For these reasons, the four corners of the box-like structure in Williams clearly do not represent the upper corner regions and lower corner regions, as recited in claim 1.

Further, the “reinforcing plates 78” of Williams do not constitute the upper and lower corner regions as recited in claim 1. *First*, the reinforcing plates 78 of Williams are not corner regions positioned “between the upper flange and the sidewalls and between the lower flange and the

sidewalls, respectively,” as recited in claim 1. Rather in Williams, “[t]he pin 30 supporting the cylinder of the hydraulic actuator 26 and pin 42 supporting the cylinder 40 of the hydraulic actuator 38 are supported respectively by axially aligned pairs of tubular bosses 74 and 76 carried by reinforcing plates 78 which are welded to side walls 52.” *Col. 3: Lines 28-34*. Thus, the reinforcing plates 78 of Williams are merely “welded to side walls 52” and are not positioned **between** the top flange 56 and the sidewalls 52 and **between** the bottom flange 54 and the sidewalls 52, respectively. *See FIG. 3*. Further, the reinforcing plates 78, as shown in FIG. 3, are positioned flat against the edge of the sidewalls 52 and are not structured to represent a **corner region**. In fact, the reinforcing plates 78 do not even extend all the way down the side walls 52 towards the bottom flange 54 of Williams. Thus, the reinforcing plates 78 clearly do not form “lower corner regions” positioned “between the lower flange and the sidewalls,” as recited in claim 1.

Second, even if the reinforcing plates 78 of Williams did constitute upper and lower corner regions as recited in claim 1, neither the text nor the drawings in Williams disclose that “**the sidewalls have a thinner cross section than the corner regions**,” as recited in claim 1.

In conclusion, Williams does not disclose “upper corner regions and lower corner regions, having reinforced profiles, between the upper flange and the sidewalls and between the lower flange and the sidewalls, respectively; wherein the corner regions are formed with separate sheet metal sheets that are welded to the respective sidewalls, wherein the sidewalls have a thinner cross section than the corner regions, and wherein the corner regions include positioning locations for cylinder attachment points,” as recited in claim 1. Claim 9 depends from independent claim 1 and is patentable for at least the same foregoing reasons. The Applicants respectfully request reconsideration and withdrawal of the present rejection.

(2) On page 3, the Office Action rejects claims 2, 4, 5, 7, 8, 10 and 15 under 35 U.S.C. §103(a) as being unpatentable over Williams in view of U.S. Patent No. 4,016,688 to Tiffin et al. Claims 2, 4, 5, 7, 8, 10 and 15 depend from independent claim 1 and are patentable for at least the same foregoing reasons. Tiffin does not remedy the deficiencies of Williams as discussed above. The Applicants respectfully request reconsideration and withdrawal of the present rejection.

(3) On page 4, the Office Action rejects claim 6 under 35 U.S.C. §103(a) as being unpatentable over Williams in view of U.S. Patent No. 4,337,601 to Vaerk et al. Claim 6 depends from independent claim 1 and is patentable for at least the same foregoing reasons. Vaerk does not remedy the deficiencies of Williams as discussed above. The Applicants respectfully request reconsideration and withdrawal of the present rejection.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. The Applicants, therefore, respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. The Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided. Prompt and favorable consideration of this Amendment is respectfully requested.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 32016-218521.

Dated: October 20, 2009

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